

Combined Declaration and Power of Attorney for Patent Application

Docket Number: 87953.0004.999

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am an original, first and joint inventor (if plural names are listed below) of the subject matter that is claimed and for which a patent is sought on the invention entitled ~~Biodegradable Targeted to Specific Illnesses~~, the specification of which is attached hereto unless the following box is checked.

was filed on April 18, 1997; as United States Application Number or PCT International Application Number 08/944,336; and was amended on _____ (if applicable).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information that is material to patentability as defined in 37 C.F.R. § 1.56.

I hereby claim foreign priority benefits under 35 U.S.C. § 119(a)-(d) or § 365(b) of any foreign application(s) for patent or inventor's certificate, or § 365(a) of any PCT international application, which designated at least one country other than the United States listed below, and have also identified below any foreign application for patent or inventor's certificate, or PCT international application having a filing date before that of the application on which priority is claimed.

PRIOR FOREIGN APPLICATION(S)		Priority Claimed Yes No
Application No.	Country	

I hereby claim the benefit under 35 U.S.C. § 119(e) of any United States provisional application(s) listed below.

Application No.	Filing Date
60/915,633	April 18, 1996

I hereby claim the benefit under 35 U.S.C. § 120 of any United States application(s), or under § 365(c) of any PCT international application designating the United States, listed below and, to the extent the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT international application in the manner provided by the first paragraph of 35 U.S.C. § 112, I acknowledge the duty to disclose information that is material to patentability as defined in 37 C.F.R. § 1.56 that becomes available between the filing date of the prior application and the national or PCT international filing date of this application.

Application No.	Filing Date	(Status - patented, pending, abandoned)

I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith:

MAR-27-98 14:24 Pros: BOWLEY & S

6504838400

T-798 P.04/07 Jno-456

Application Serial No. 08/244,336
Attorney's Docket No. 079516884-999

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 Marvin L. Barnes, Jr., Reg. No. 38,375
 Thomas Bunn, Reg. No. 41,604
 Michael J. Bush, Reg. No. 39,604
 John A. Hendrick, Reg. No. 41,612
 Mark R. Hescher, Reg. No. 34,386
 Colleen T. Cuthbert, Reg. No. 34,381
 Costa A. Cottone, Reg. No. 39,623
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Alan M. Crimmins, Reg. No. 26,599
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 Michael N. Haynes, Reg. No. 40,014
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Direct Telephone Calls to: (202) 783-0800

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

FULL NAME OF SOLE OR FIRST INVENTOR: Penelope R. Contino	CITIZENSHIP: USA
RESIDENCE: San Jose, California	DATE: 3/27/98
POST OFFICE ADDRESS: 6110 Bellflower Road, San Jose, California 95129, USA	INVENTOR'S SIGNATURE: <i>Penelope R. Contino</i>
FULL NAME OF SECOND INVENTOR: David A. Barnes	CITIZENSHIP: USA
RESIDENCE: Redwood City, California	DATE:
POST OFFICE ADDRESS: 6110 Bellflower Road, San Jose, California 95129, USA	INVENTOR'S SIGNATURE:
FULL NAME OF THIRD INVENTOR: Christopher R. Green	CITIZENSHIP: USA
RESIDENCE: San Jose, California	DATE: 3/27/98
POST OFFICE ADDRESS: 6110 Bellflower Road, San Jose, California 95129, USA	INVENTOR'S SIGNATURE: <i>Christopher R. Green</i>

(Supply similar information and signature for subsequent joint inventors, if any)

WAR-27-98 14:29 From:HOWREY & SIMON

8504638400

T-798 P.24/06 Job-467

Application Serial No. 08/844,336
Attorney's Docket No. 07953.0004.999

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Kevin W. McCabe, Reg. No. 41,182
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I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like to be made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

FULL NAME OF SOLE OR FIRST INVENTOR: Pamela R. Coutag	CITIZENSHIP: USA
RESIDENCE: San Jose, California	DATE:
POST OFFICE ADDRESS: 6110 Bollinger Road, San Jose, California 95129, USA	INVENTOR'S SIGNATURE:
FULL NAME OF SECOND INVENTOR: David A. Benaron	CITIZENSHIP: USA
RESIDENCE: PORTOLA VALLEY CA 94024 Redwood City, California	DATE: 27 MARCH 1998
POST OFFICE ADDRESS: 6110 Bollinger Road, San Jose, California 95129, USA	INVENTOR'S SIGNATURE:
FULL NAME OF THIRD INVENTOR: C. H. B. BENARON	CITIZENSHIP: USA
POST OFFICE ADDRESS: 6110 Bollinger Road, San Jose, California 95129, USA	INVENTOR'S SIGNATURE:

(Supply similar information and signature for subsequent joint inventors, if any)

BEST AVAILABLE COPY

MAR-27-98 14:28 From HOWLEY ADR

6504638480

T-700 P. 07/07 Job-466

**Verified Statement (Declaration) Claiming Small Entity Status
(37 C.F.R. §§ 1.9(d) and 1.27(c)) – Small Business Concern**

Applicant or Petitioner: Pamela B. Carter, David A. Bierman and Christopher H. Carter
Application or Petition No.: 08/624,734
Filed or Issued: April 16, 1997
For: Neonatology Turned to Specialty Luminance

I hereby declare that I am

the owner of the small business concern identified below.
 an official of the small business concern empowered to act on behalf of the concern identified below.

NAME OF SMALL BUSINESS CONCERN Xeragen Corporation

ADDRESS OF SMALL BUSINESS CONCERN 16 Atlantic Avenue, Alameda, California, 94501, USA

I hereby declare that the above identified small business concern qualifies as a small business concern as defined in 37 C.F.R. § 1.21-3-18, and reproduced in 37 C.F.R. § 1.9 (d), for purposes of paying reduced fees under section 41(a) and (b) of Title 35, United States Code, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention described in:

the specification filed herewith with title as listed above.
 the application identified above.
 the patent identified above.

If the rights held by the above identified small business concern are not exclusive, each individual, concern or organization having rights in the invention must file separate verified statements pertaining to their status as small entities, and no rights to the invention are held by any person, other than the inventor, who would not qualify as an independent inventor under 37 C.F.R. § 1.9(c) if that person made the invention or by any concern which would not qualify as a small business concern under 37 C.F.R. § 1.9(d) or a nonprofit organization under 37 C.F.R. § 1.9(e).

Each person, concern or organization (other than the small business concern identified above) having any rights in the invention is listed below:

no such person, concern, or organization exists.
 each person, concern, or organization is listed below.

NAME _____

ADDRESS _____

INDIVIDUAL SMALL BUSINESS CONCERN NONPROFIT ORGANIZATION

Separate verified statements are required from each named person, concern or organization having rights to the invention pertaining to their status as small entities. (37 C.F.R. § 1.27)

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 C.F.R. § 1.28(b)).

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 101 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any person to whom this verified statement is directed.

NAME OF PERSON SIGNING Pamela B. Carter

TITLE IN ORGANIZATION Chief Executive Officer

ADDRESS OF PERSON SIGNING 16 Atlantic Avenue, Alameda, California, 94501, USA

SIGNATURE Pamela B. Carter Date 3/27/98